

1 STATE OF MICHIGAN
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF MICHIGAN
4 SOUTHERN DIVISION
5

6 IAN L. LAND,

7 Plaintiff,

8 vs.

Civil Action

9 No. 22-CV-12672
10

11 CITY OF DETROIT, a municipal
12 corporation; RYAN RULOFF, individually
13 and in his official capacity; and
14 MATTHEW WEBB, individually and in his
15 official capacity,
16 Defendants,

17 /

18 PAGE 1 TO 21
19

20 The Videoconference Deposition of DUSTON DELLINGER,
21 Hanson Zoom Location,
22 Commencing at 2:05 p.m.,
23 Thursday, August 31, 2023,
24 Before Brenda Klein, CSR, CER 3554
25

1 APPEARANCES:

2 MR. IVAN L. LAND P65879

3 Law Offices of Ivan L. Land

4 25900 Greenfield Road, Suite 210

5 Oak Park, Michigan 48237

6 (248) 968-4545

7 ill4law@aol.com

8 Appearing on behalf of the Plaintiff.

9

10 MR. PHILIP J. HILTNER P77913

11 City of Detroit Law Department

12 2 Woodward Avenue, Suite 500

13 Detroit, Michigan 48226

14 (313) 237-6390

15 hiltnerp@detroitmi.gov

16 Appearing on behalf of the Defendants.

17

18 MR. STEVEN GONZALEZ

19 Appearing on behalf of Duston Dellinger.

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22

23 VIDEO TECHNICIAN: JEFF GUDME

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25

1 TABLE OF CONTENTS

2 Witness Page

3 DUSTON DELLINGER

4

5 EXAMINATION BY MR. HILTNER: 4

6 EXAMINATION BY MR. LAND: 16

7

8

9 (Exhibits not offered.)

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1 Hanson Zoom Location

2 Thursday, August 31, 2023

3 About 10:05 p.m.

4 My name is Brenda Klein, a Michigan State
5 Notary Public and certified shorthand reporter and this
6 deposition is being held via videoconferencing by Zoom
7 equipment. The witness and reporter are not in the same
8 room. The witness will be sworn in remotely pursuant to
9 agreement of all parties.

10 DUSTON DELLINGER,
11 having first been duly sworn, was examined and testified
12 on his oath as follows:

13 EXAMINATION BY MR. HILTNER:

14 Q. Good morning, Mr. Dellinger, my name is Philip Hiltner.
15 I represent the City of Detroit. We just met before we
16 started today. But just for the record, could you state
17 and spell your name, please?

18 **A. Duston, D-U-S-T-O-N, Dellinger, D-E-L-L-I-N-G-E-R.**

19 Q. And where are you today?

20 **A. I am in China Grove, North Carolina.**

21 Q. Do you have a business address?

22 **A. We do have the office address.**

23 MR. DELLINGER: And Steven, I'm not going to
24 be able to pull that up off the top of my head.

25 Q. You'd be able to provide it?

1 A. Yes.

2 Q. Then Mr. Gonzalez would be able to provide it?

3 MR. GONZALEZ: You have it from my e-mail
4 signature block.

5 MR. HILTNER: Okay. Great.

6 Q. Mr. Dellinger, what's your occupation?

7 A. I'm the senior manager of Umpire Development for major
8 league baseball.

9 Q. Was that your occupation in the summer of 2021?

10 A. In 2021 I was the director of Umpire Development for
11 minor league baseball. Major league baseball took over
12 that program in the beginning of 2022. So really the
13 same capacity, a lot of the same responsibilities, roles
14 and responsibilities.

15 Q. And just briefly, what are those roles and
16 responsibilities?

17 A. So I oversee the hiring, promoting and leasing of our
18 umpires, oversee the evaluation process, work closely
19 with our administrative team regarding payroll benefits.
20 Also work closely currently with the regional
21 supervisors. In the past that was league presidents, on
22 the day-to-day, things that were going on regarding
23 games, home field conduct of our umpires and working
24 closely with the umpires union.

25 Q. Do you know Ian Land? I, apostrophe, A-N, Land,

1 L-A-N-D.

2 A. Yes. Yes, I do.

3 Q. And how do you know him?

4 A. He attended the minor league baseball Umpire Development
5 advance course in 2020.

6 Q. Did he ever work for minor league baseball?

7 A. He did for a brief time.

8 Q. Okay. When was that?

9 A. That was in 2021. Well, let's go back. He was actually
10 offered a job in 2020, but as we know that was the COVID
11 time frame, so Mr. Land was not able to actually go to
12 work in 2020 because of COVID, and then he started
13 working, actual performing 2021. So he signed a
14 contract in 2020 but we didn't work that season.

15 Q. Okay. Would you say that you were his direct supervisor
16 in 2021?

17 A. I was not his direct supervisor at the time.

18 Q. Do you know who his direct supervisor would have been?

19 A. We divvy that up amongst other full-time umpire
20 supervisors and at that time I cannot recall who his
21 direct supervisor would have been. I can certainly find
22 out that information.

23 Q. Okay. Are you -- let me just actually cover this.

24 So he was employed as an umpire in 2021,
25 right?

1 A. That's correct.

2 Q. Are you directly familiar with Mr. Land's performance or
3 ability as an umpire?

4 A. Yes, I was able to observe him working at the advance
5 course in 2020. I did not see him perform in 2021,
6 although he only was with us, you know, for a short
7 time. He worked in spring training that summer, or that
8 spring of '21, and then he started working Arizona
9 extended spring training in April of '21, and then in
10 May, May 23rd, was his incident with the Arizona
11 extended, which ultimately led to him voluntarily
12 resigning. So we didn't have much evaluation on him,
13 other than watching him perform during the advance
14 course in 2020.

15 Q. Okay. Would there be records of his performance? I
16 don't know, evaluations or anything that are done of
17 umpires after games?

18 A. We do evaluations of our umpires, but the two events
19 that he worked spring training and Arizona extended
20 spring training. At that time in 2020 and '21, or prior
21 to 2021, we did not conduct official observations.
22 Those were more instructional visits but once you start
23 working the regular season, which Mr. Land would have
24 started working regular season games in June, those
25 would have been more formal written evaluations that he

1 would have received. He never received a formal written
2 evaluation.

3 Q. Would there be records of his income with minor league
4 baseball?

5 A. Yes, we would have that.

6 Q. Again, if I needed those would that business address
7 that Mr. Gonzalez signature block would be the place to
8 go or how would I -- well, do you know how I would go
9 about getting those?

10 A. Probably just directly e-mailing me.

11 Q. So how long, I know you mentioned a couple times he did
12 spring training and extended spring training, so how
13 long did Mr. Land work for minor league baseball?

14 A. Well, if we don't count the 2020 when he signed the
15 contract again, did not perform any services that year.
16 In 2021 he would have come to work in mid March for
17 spring training and then he voluntarily resigned on May
18 24th so, you know, roughly just over two months.

19 Q. So you mentioned that he resigned from minor league
20 baseball. What led to his resignation?

21 A. He was -- he received a DUI charge on -- well, he was
22 arrested and taken into custody on May 23rd for drunk
23 driving.

24 Q. When did he resign?

25 A. The following day, May 24th.

1 Q. Was that in conversation with you that he resigned?

2 A. That is correct.

3 Q. Can you just describe that conversation for me?

4 A. Well, we discussed all the details of his arrest and his
5 being charged with a DUI. And in our job, the role of
6 an umpire, our umpires have to have -- you know, they've
7 got to be able to drive. They've got to have a license,
8 an active license, and DUI charges -- and we also have
9 an alcohol policy as well. So with all those
10 circumstances he was not going to be able to perform his
11 job with that DUI, so I gave him the option, he would
12 have been terminated or he could voluntarily resign.
13 Obviously, if he voluntarily resigned he would have been
14 able to come back into our program at a later date, once
15 he had an active driver's license.

16 Q. So there is an opportunity for him to come back?

17 A. That is correct. But yeah, that would be at his
18 discretion to either attend one of our camps. He would
19 certainly need to reach out to me prior to that. Our
20 policy has been, you know, if you voluntarily resign you
21 could come back into our program at our discretion, and
22 if you've been terminated or released from our program
23 you will not be able to come back into our program. But
24 I have not heard from Mr. Land about any desire to come
25 back to our program.

1 Q. So his separation for minor league baseball had nothing
2 to do with an arrest in Detroit in April of 2021?

3 A. I'm unaware, other than knowing -- being deposed here
4 and finding out more information, was not aware of any
5 of that information.

6 Q. Okay. When minor league baseball hired umpires in 2020
7 and 2021, do they do background checks or look into
8 criminal history of potential hires?

9 A. Yes. I know those were conducted in 2020. I can't --
10 if they were performed in 2021, they would have been
11 done -- this would have been prior to anything in April
12 of that year. We traditionally run those background
13 checks in February of each year, which is the time frame
14 that we essentially offer our contracts.

15 Q. You may not have any direct knowledge of Mr. Land's
16 criminal history before he was hired, but you would
17 presume that anything would have come up in a background
18 check?

19 A. It would have come up in a background check but you're
20 asking if something happened in Detroit in April of '21.
21 Our background check would not have identified that,
22 when we did that, again, in February of '21.

23 Q. Okay. Regardless, until being given a little
24 information leading up to this deposition, you knew
25 nothing about anything in April of 2020?

1 A. That's correct.

2 Q. For the 2021 baseball season, how much income would
3 umpires be expected to make?

4 A. An umpire at his level would have made roughly \$2,000 a
5 month and then he would have received around, at that
6 time, probably around \$45 in per diem daily.

7 Q. And that would be \$2,000 a month from like March to
8 October, or something like that?

9 A. Roughly. March is kind of prorated and then really from
10 April till say the end of August at that time frame,
11 that was the time frame of the season. It's roughly
12 about a five-month period between Arizona extended and
13 the regular season that he would have probably worked
14 in.

15 Q. What were Mr. Land's prospects for advancement with
16 minor league or major league baseball?

17 A. You know, it's hard to tell with an umpire coming in
18 early on like that. I will say that he did perform well
19 at our advance course in 2020. He finished near the
20 top, within our top ten. We had 60 candidates there for
21 that event, and if -- I'm pretty certain I looked at
22 some records, he finished number six out of that group
23 of 60. So he did perform well. But, you know, that's
24 at an advance course but, you know, actually going out
25 and working professional games, you know, we didn't

1 really have that opportunity to watch much of that, and
2 watch him perform and see, you know, his progression and
3 true potential.

4 Q. Is this advance course, is that a prerequisite for
5 becoming a minor league umpire?

6 A. Yes, sir. Just to give you a little bit oversight. At
7 that time there was two professional umpire schools.
8 Mr. Land attended the Wendelstedt Umpire School. Minor
9 league baseball has their private school, which I was
10 the director of that school. And the advance course is
11 basically the top candidates from those two schools come
12 and compete. We evaluate and do additional testing on
13 things they learned at their school and go over some
14 other minor league policies to prepare them for the
15 upcoming season if they were potentially hired.

16 Q. After the Wendelstedt or minor league course they go to
17 the advance course?

18 A. That's correct.

19 Q. And then once they do the advance course do they have to
20 finish in the top 10 percent or top half or something to
21 be hired?

22 A. Well, it just really depends on the year and the needs
23 of our organization, how many umpires we need. We
24 typically hire 40 umpires into our program each year.
25 Over the last 25 years that's kind of been our average

1 number. Coming out of 2020 we had initially offered
2 jobs to 23 of the candidates that were there at the
3 advance course but as mentioned, COVID came and
4 obviously that spring, and in 2021 we went through some
5 restructuring, so those 23 that were hired in 2020, that
6 essentially was our kind of work force in 2021, so we
7 didn't hire any additional employees in 2021, so it was
8 carryover from 2020 that made up our incoming class for
9 2021, which Ian was a part of that.

10 Q. And he was hired in to the Arizona league, right?

11 A. Yes. His contract he had a complex league, a rookie
12 contract.

13 Q. Okay. Is that a single A level?

14 A. No, we actually have -- rookie is our classification.
15 That's our lowest level, then you have low A, high A,
16 double A and triple A.

17 Q. So the Arizona school is which level or league? Sorry.

18 A. So that was a rookie classification.

19 Q. So if Mr. Land went up to then the next level, would his
20 income go up?

21 A. At that time it would have been a slight increase.

22 Q. Okay. Just for, I don't know, for reference, a triple A
23 umpire, how much do they make?

24 A. Currently a triple A umpire makes \$4,500 a month, so
25 it's double, but that's currently. At that time they

1 were probably making around \$3,500, so we've seen an
2 increase since we restructured the program in '22.

3 Q. How many umpires make it from the rookie level up to the
4 big league baseball?

5 A. To receive a full-time contract at the major league
6 level?

7 Q. Yes.

8 A. Okay. On average each year, each year's class, on
9 average since 1998, that would be three jobs on average.

10 Q. How many people -- how big is the pool that those three
11 jobs are selected from?

12 A. So currently we have 192 umpires in our system but the
13 hiring comes out of our triple A classification, so
14 basically you advance to each of those levels. Once you
15 get to triple A you're kind of grouped and, you know,
16 basically into tiers, and the top tier umpires become
17 call up umpires, where they work on a part-time basis at
18 the major league level to perform, to see if they can do
19 the job at the major league level and the they're hired
20 from there.

21 So I would think from, you know, you have 192
22 in the organization but truly you're hiring out of the
23 triple A classification, which currently is 57 umpires.

24 Q. Do you know how many umpires there are at the rookie
25 level?

1 A. Currently we have 30 umpires at the rookie level and
2 that would have been around the same number that we had
3 in 2021, maybe slightly a few more but that number is --

4 Q. So maybe this is, you know, difficult or impossible for
5 you to answer, but are you able to estimate, you know,
6 Mr. Land's chances of becoming a major league umpire?

7 A. There is no way to tell at that onset of not even really
8 having a formal written evaluation and a chance to watch
9 him work. You know, that would be hard to project that.

10 Q. Do most minor league umpires become major league
11 umpires?

12 A. Oh, no.

13 Q. So it's just some small percentage of minor league
14 umpires that make it to the majors, right?

15 A. You have probably anywhere from 3 to 5 percent that make
16 it. Now some have the opportunity to work at the major
17 league level but they'll ultimately receive a contract,
18 we're looking at a very, very small percentage. It's
19 probably 3 to 5 percent and then about 8 percent have
20 the opportunity to work at the major league level.

21 Q. And you mentioned that the income's changed. What does
22 a rookie level umpire make now?

23 A. Just a little over \$2,800 a month.

24 Q. Give me a minute to look over my notes. I think I've
25 asked just about all my questions.

1 How long, assuming someone is going to make it
2 to major league baseball as an umpire, typically,
3 typically how long does it take from the time they start
4 at the rookie level to make it up to major league
5 baseball?

6 **A. Probably on average about 10 to 11 years.**

7 Q. And could you say anything about Mr. Land being a
8 special case where, you know, he was expected to make it
9 to major league baseball in a short amount of time?

10 **A. No. There's no exception there. You have to -- you**
11 **have to go through the different levels and it's a**
12 **process.**

13 MR. HILTNER: Those are all the questions I
14 have for you. Mr. Land might have some questions as
15 well. Thank you for your time this morning.

16 MR. LAND: Thank you so much.

17 EXAMINATION BY MR. LAND:

18 Q. Ian wants to ask you is, do you push to have blacks
19 become major league umpires because they're not
20 represented in the major leagues? That's what he wants
21 to ask you. So is there a push to have blacks as major
22 league umpires?

23 **A. I think that our organization looks at the diversified**
24 **candidates. We provide them opportunities, but they all**
25 **have to work, you know, just like all of the other**

1 umpires. You know, if we have a diversified candidate
2 at the triple A level that is working as a call up, you
3 know, I think there's consideration, you know, for that
4 individual but they still have to do the job.

5 Q. Of course. From what you know Ian's worked hard?

6 A. Yeah. Again, we didn't have any written evaluations.
7 We didn't see anything where he didn't work hard. You
8 know, again, he performed well when we saw him at the
9 advance course in 2020, so obviously he was working hard
10 during that event to be able to be placed at that
11 initial onset and into our program. So again, not
12 enough observations for us to really have a true
13 assessment of his overall performance and potential.

14 Q. So Ian is claiming that he told someone at the
15 organization that he was being charged with a felony.
16 Okay. And I'm asking you, would a felony eliminate him
17 from being an umpire? Is that one of the --

18 A. I think we -- in the past I can't recall that we had
19 someone that was -- that had a felony on their
20 background when we did background checks. You know, I
21 think we looked around all the circumstances of each
22 case and our general counsel will make decisions on
23 whether or not they would be employable or not. So
24 again, we didn't see that on any background check that
25 we did. You know, only thing that we had is this

1 situation with the DUI that Ian self-reported because he
2 knew that DUI charges, what the consequences of those
3 would be, and that's why he reached out to me the
4 following day after he was released out of jail.

5 Q. He's alleging that he also reached out to someone when
6 he received these false charges from Detroit Police
7 Department. He claimed that he reached out to someone,
8 and maybe it wasn't you, but that could be possible, am
9 I correct?

10 MR. HILTNER: Object to foundation.

11 MR. LAND: Pardon me.

12 MR. HILTNER: I object to foundation.

13 Go ahead.

14 A. He certainly didn't reach out to me regarding that. I
15 can't speak to who he may have reached out to.

16 Q. And so background check, you would have looked into if
17 someone had a felony, and you did a background check,
18 that would be an issue that you had to do further
19 background check on, am I correct?

20 A. I'm sure we would have looked into and get more details
21 of that situation but again, the timing of when we
22 conducted background checks, that would not -- it would
23 not have surfaced on our end. The dates didn't line up,
24 you know, being charged in April of '21 for some other
25 charge, our background checks would have already been

1 done and that would not have shown up, so we didn't have
2 an opportunity for that to be flagged on our end.

3 Q. One second. Mr. Dellinger, let me ask you: When you
4 had the conversation with Ian regarding him reporting
5 the DUI, was he told then that he could come back,
6 because he didn't know that?

7 A. I can't say for certain if we talked about that, if we
8 had that conversation.

9 Q. Okay.

10 A. Obviously, dealing, with that at hand that's just kind
11 of been our policy. We work through the union. The
12 union knows our stance on that. But I can't say
13 specifically that I told him that he would have an
14 opportunity to come back at a later date.

15 Q. Let me ask you: Are you saying he can come back?

16 A. Yeah. I mean, he would be considered. I think now, you
17 know, with our work in major league baseball, you know,
18 obviously we make mistakes in our life and, you know, he
19 would be considered. I think he would have to come back
20 through our process. Our process has changed slightly.
21 He would have to come through one of regional camps and
22 go through the process just like any other candidate
23 would be.

24 So DUI charges in the past, what we had done
25 with individuals that had DUI charges, usually those

1 with the insurance company that we had with minor league
2 baseball at the time, they had to basically -- we had to
3 go through the approval process with the insurance
4 company and that stayed on their record for three years.
5 Once that came off guys came back through. So when we
6 found out through background checks someone had a DUI
7 charge, there was basically a three year waiting period
8 and then guys would come back through the program. They
9 had to start back over. There was no special treatment
10 that they received. They had to go back through the
11 program again. So, yeah, Mr. Land could be considered
12 for rehire. Again, it goes back to the voluntary
13 resignation, instead of termination, which he elected to
14 do, so he could be considered for rehire.

15 Q. Okay.

16 MR. LAND: Thank you very much, sir.

17 MR. HILTNER: No further questions.

18 (Deposition concluded at 10:30 a.m.)

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CERTIFICATE OF NOTARY

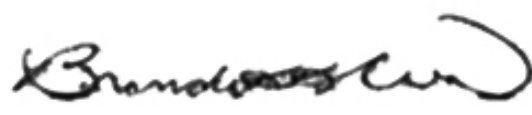
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STATE OF MICHIGAN)

) SS

COUNTY OF OAKLAND)

I, Brenda Klein, Certified Shorthand Reporter, a Notary Public in and for the above county and state, do hereby certify that the above deposition was taken before me at the time and place hereinbefore set forth; that the witness was by me first duly sworn to testify to the truth, and nothing but the truth, that the foregoing questions asked and answers made by the witness were duly recorded by me stenographically and reduced to computer transcription; that this is a true, full and correct transcript of my stenographic notes so taken; and that I am not related to, nor of counsel to either party nor interested in the event of this cause.



Brenda K. Klein, CSR, CER 3554,
Notary Public,
Oakland County, Michigan
My Commission expires: December 24, 2028

\$

\$2,000 11:4,7

\$2,800 15:23

\$3,500 14:1

\$4,500 13:24

\$45 11:6

1

10 12:20 16:6

10:05 4:3

10:30 20:18

11 16:6

192 14:12,21

1998 14:9

2

2020 6:5,10,12,14 7:5,14,20
8:14 10:6,9,25 11:19 13:1,5,8
17:9

2021 5:9,10 6:9,13,16,24 7:5,
21 8:16 10:2,7,10 11:2 13:4,6,
7,9 15:3

2022 5:12

2023 4:2

21 7:8,9,20 10:20,22 18:24

22 14:2

23 13:2,5

23rd 7:10 8:22

24th 8:18,25

25 12:25

3

3 15:15,19

30 15:1

31 4:2

4

40 12:24

5

5 15:15,19

57 14:23

6

60 11:20,23

8

8 15:19

A

A-N 5:25

a.m. 20:18

ability 7:3

active 9:8,15

actual 6:13

additional 12:12 13:7

address 4:21,22 8:6

administrative 5:19

advance 6:5 7:4,13 11:19,24
12:4,10,17,19 13:3 14:14 17:9

advancement 11:15

agreement 4:9

ahead 18:13

alcohol 9:9

alleging 18:5

amount 16:9

apostrophe 5:25

approval 20:3

April 7:9 10:2,11,20,25 11:10
18:24Arizona 7:8,10,19 11:12
13:10,17

arrest 9:4 10:2

arrested 8:22

assessment 17:13

assuming 16:1

attend 9:18

attended 6:4 12:8

August 4:2 11:10

average 12:25 14:8,9 16:6

aware 10:4

B

back 6:9 9:14,16,21,23,25
19:5,14,15,19 20:5,8,9,10,12background 10:7,12,17,19,21
17:20,24 18:16,17,19,22,25
20:6baseball 5:8,11 6:4,6 8:4,13,
20 10:1,6 11:2,16 12:9 14:4
16:2,5,9 19:17 20:2basically 12:11 14:14,16 20:2,
7

basis 14:17

beginning 5:12

benefits 5:19

big 14:4,10

bit 12:6

blacks 16:18,21

block 5:4 8:7

Brenda 4:4

briefly 5:15

business 4:21 8:6

C

call 14:17 17:2
camp 9:18 19:21
candidate 17:1 19:22
candidates 11:20 12:11 13:2 16:24
capacity 5:13
Carolina 4:20
carryover 13:8
case 16:8 17:22
certified 4:5
chance 15:8
chances 15:6
changed 15:21 19:20
charge 8:21 18:25 20:7
charged 9:5 17:15 18:24
charges 9:8 18:2,6 19:24,25
check 10:18,19,21 17:24 18:16,17,19
checks 10:7,13 17:20 18:22, 25 20:6
China 4:20
circumstances 9:10 17:21
City 4:15
claimed 18:7
claiming 17:14
class 13:8 14:8
classification 13:14,18 14:13, 23
closely 5:18,20,24
company 20:1,4
compete 12:12
complex 13:11
concluded 20:18

conduct 5:23 7:21
conducted 10:9 18:22
consequences 18:2
consideration 17:3
considered 19:16,19 20:11,14
contract 6:14 8:15 13:11,12 14:5 15:17
contracts 10:14
conversation 9:1,3 19:4,8
correct 7:1 9:2,17 11:1 12:18 18:9,19
counsel 17:22
count 8:14
couple 8:11
cover 6:23
COVID 6:10,12 13:3
criminal 10:8,16
custody 8:22

D

D-E-L-L-I-N-G-E-R 4:18
D-U-S-T-O-N 4:18
daily 11:6
date 9:14 19:14
dates 18:23
day 8:25 18:4
day-to-day 5:22
dealing 19:10
decisions 17:22
Dellinger 4:10,14,18,23 5:6 19:3
Department 18:7
depends 12:22
deposed 10:3
deposition 4:6 10:24 20:18

describe 9:3
desire 9:24
details 9:4 18:20
Detroit 4:15 10:2,20 18:6
Development 5:7,10 6:4
diem 11:6
difficult 15:4
direct 6:15,17,18,21 10:15
directly 7:2 8:10
director 5:10 12:10
discretion 9:18,21
discussed 9:4
diversified 16:23 17:1
divvy 6:19
double 13:16,25
drive 9:7
driver's 9:15
driving 8:23
drunk 8:22
DUI 8:21 9:5,8,11 18:1,2 19:5, 24,25 20:6
duly 4:11
Duston 4:10,18

E

e-mail 5:3
e-mailing 8:10
early 11:18
elected 20:13
eliminate 17:16
employable 17:23
employed 6:24
employees 13:7
end 11:10 18:23 19:2

equipment 4:7

essentially 10:14 13:6

estimate 15:5

evaluate 12:12

evaluation 5:18 7:12 8:2 15:8

evaluations 7:16,18,25 17:6

event 11:21 17:10

events 7:18

EXAMINATION 4:13 16:17

examined 4:11

exception 16:10

expected 11:3 16:8

extended 7:9,11,19 8:12 11:12

F

false 18:6

familiar 7:2

February 10:13,22

felony 17:15,16,19 18:17

field 5:23

find 6:21

finding 10:4

finish 12:20

finished 11:19,22

five-month 11:12

flagged 19:2

force 13:6

formal 7:25 8:1 15:8

found 20:6

foundation 18:10,12

frame 6:11 10:13 11:10,11

full-time 6:19 14:5

G

games 5:23 7:17,24 11:25

gave 9:11

general 17:22

give 12:6 15:24

Gonzalez 5:2,3 8:7

Good 4:14

Great 5:5

group 11:22

grouped 14:15

Grove 4:20

guys 20:5,8

H

half 12:20

hand 19:10

Hanson 4:1

happened 10:20

hard 11:17 15:9 17:5,7,9

head 4:24

heard 9:24

held 4:6

high 13:15

Hiltner 4:13,14 5:5 16:13
18:10,12 20:17

hire 12:24 13:7

hired 10:6,16 12:15,21 13:5,10
14:19

hires 10:8

hiring 5:17 14:13,22

history 10:8,16

home 5:23

IIan 5:25 13:9 16:18 17:14 18:1
19:4

Ian's 17:5

identified 10:21

impossible 15:4

incident 7:10

income 8:3 11:2 13:20

income's 15:21

incoming 13:8

increase 13:21 14:2

individual 17:4

individuals 19:25

information 6:22 10:4,5,24

initial 17:11

initially 13:1

instructional 7:22

insurance 20:1,3

issue 18:18

J

jail 18:4

job 6:10 9:5,11 14:19 17:4

jobs 13:2 14:9,11

June 7:24

Kkind 11:9 12:25 13:6 14:15
19:10

Klein 4:4

knew 10:24 18:2

knowing 10:3

knowledge 10:15

L

L-A-N-D 6:1**Land** 5:25 6:11 7:23 8:13 9:24
12:8 13:19 16:7,14,16,17
18:11 20:11,16**Land's** 7:2 10:15 11:15 15:6**leading** 10:24**league** 5:8,11,21 6:4,6 8:3,13,
19 10:1,6 11:16 12:5,9,14,16
13:10,11,17 14:4,5,18,19
15:6,10,13,17,20 16:2,4,9,19,
22 19:17 20:1**leagues** 16:20**learned** 12:13**leasing** 5:17**led** 7:11 8:20**level** 11:4 13:13,15,17,19
14:3,6,18,19,25 15:1,17,20,22
16:4 17:2**levels** 14:14 16:11**license** 9:7,8,15**life** 19:18**Location** 4:1**long** 8:11,13 16:1,3**looked** 11:21 17:21 18:16,20**lot** 5:13**low** 13:15**lowest** 13:15

M

made 11:4 13:8**major** 5:7,11 11:16 14:5,18,19
15:6,10,16,20 16:2,4,9,19,20,
21 19:17**majors** 15:14**make** 11:3 13:23 14:3 15:14,
15,22 16:1,4,8 17:22 19:18**makes** 13:24**making** 14:1**manager** 5:7**March** 8:16 11:7,9**mentioned** 8:11,19 13:3 15:21**met** 4:15**Michigan** 4:4**mid** 8:16**minor** 5:11 6:4,6 8:3,13,19
10:1,6 11:16 12:5,8,14,16
15:10,13 20:1**minute** 15:24**mistakes** 19:18**month** 11:5,7 13:24 15:23**months** 8:18**morning** 4:14 16:15

N

needed 8:6**North** 4:20**Notary** 4:5**notes** 15:24**number** 11:22 13:1 15:2,3

O

oath 4:12**object** 18:10,12**observations** 7:21 17:12**observe** 7:4**occupation** 5:6,9**October** 11:8**offer** 10:14**offered** 6:10 13:1**office** 4:22**official** 7:21**onset** 15:7 17:11**opportunities** 16:24**opportunity** 9:16 12:1 15:16,
20 19:2,14**option** 9:11**organization** 12:23 14:22
16:23 17:15**oversee** 5:17,18**oversight** 12:6

P

p.m. 4:3**Pardon** 18:11**part** 13:9**part-time** 14:17**parties** 4:9**past** 5:21 17:18 19:24**payroll** 5:19**people** 14:10**percent** 12:20 15:15,19**percentage** 15:13,18**perform** 7:5,13 8:15 9:10
11:18,23 12:2 14:18**performance** 7:2,15 17:13**performed** 10:10 17:8**performing** 6:13**period** 11:12 20:7**Philip** 4:14**place** 8:7**Police** 18:6**policies** 12:14**policy** 9:9,20 19:11**pool** 14:10**potential** 10:8 12:3 17:13**potentially** 12:15

prepare 12:14
prerequisite 12:4
presidents 5:21
presume 10:17
pretty 11:21
prior 7:20 9:19 10:11
private 12:9
process 5:18 16:12 19:20,22
20:3
professional 11:25 12:7
program 5:12 9:14,21,22,23,
25 12:24 14:2 17:11 20:8,11
progression 12:2
project 15:9
promoting 5:17
prorated 11:9
prospects 11:15
provide 4:25 5:2 16:24
Public 4:5
pull 4:24
pursuant 4:8
push 16:18,21

Q

questions 15:25 16:13,14
20:17

R

reach 9:19 18:14
reached 18:3,5,7,15
recall 6:20 17:18
receive 14:5 15:17
received 8:1,21 11:5 18:6
20:10
record 4:16 20:4

records 7:15 8:3 11:22
reference 13:22
regional 5:20 19:21
regular 7:23,24 11:13
rehire 20:12,14
released 9:22 18:4
remotely 4:8
reporter 4:5,7
reporting 19:4
represent 4:15
represented 16:20
resign 8:24 9:12,20
resignation 8:20 20:13
resigned 8:17,19 9:1,13
resigning 7:12
responsibilities 5:13,14,16
restructured 14:2
restructuring 13:5
role 9:5
roles 5:13,15
rookie 13:11,14,18 14:3,24
15:1,22 16:4
room 4:8
roughly 8:18 11:4,9,11
run 10:12

S

school 12:8,9,10,13 13:17
schools 12:7,11
season 6:14 7:23,24 11:2,11,
13 12:15
selected 14:11
self-reported 18:1
senior 5:7
separation 10:1

services 8:15
short 7:6 16:9
shorthand 4:5
shown 19:1
signature 5:4 8:7
signed 6:13 8:14
single 13:13
sir 12:6 20:16
situation 18:1,21
slight 13:21
slightly 15:3 19:20
small 15:13,18
speak 18:15
special 16:8 20:9
specifically 19:13
spell 4:17
spring 7:7,8,9,19,20 8:12,17
13:4
stance 19:12
start 7:22 16:3 20:9
started 4:16 6:12 7:8,24
state 4:4,16
stayed 20:4
Steven 4:23
summer 5:9 7:7
supervisor 6:15,17,18,21
supervisors 5:21 6:20
surfaced 18:23
sworn 4:8,11
system 14:12

T

talked 19:7
team 5:19

ten 11:20
terminated 9:12,22
termination 20:13
testified 4:11
testing 12:12
thing 17:25
things 5:22 12:13
Thursday 4:2
tier 14:16
tiers 14:16
till 11:10
time 6:7,11,17,20 7:7,20 10:13
 11:6,10,11 12:7 13:21,25
 16:3,9,15 20:2
times 8:11
timing 18:21
today 4:16,19
told 17:14 19:5,13
top 4:24 11:20 12:11,20 14:16
traditionally 10:12
training 7:7,9,19,20 8:12,17
treatment 20:9
triple 13:16,22,24 14:13,15,23
 17:2
true 12:3 17:12
typically 12:24 16:2,3

U

ultimately 7:11 15:17
umpire 5:7,10 6:4,19,24 7:3
 9:6 11:4,17 12:5,7,8 13:23,24
 15:6,22 16:2 17:17
umpires 5:18,23,24 7:17,18
 9:6 10:6 11:3 12:23,24 14:3,
 12,16,17,23,24 15:1,10,11,14
 16:19,22 17:1

unaware 10:3
union 5:24 19:11,12
upcoming 12:15

V

videoconferencing 4:6
visits 7:22
voluntarily 7:11 8:17 9:12,13,
 20
voluntary 20:12

W

waiting 20:7
watch 12:1,2 15:8
watching 7:13
Wendelstedt 12:8,16
work 5:18,20 6:6,12,14 8:13,
 16 13:6 14:17 15:9,16,20
 16:25 17:7 19:11,17
worked 7:7,19 11:13 17:5
working 5:23 6:13 7:4,8,23,24
 11:25 17:2,9
written 7:25 8:1 15:8 17:6

Y

year 8:15 10:12,13 12:22,24
 14:8 20:7
year's 14:8
years 12:25 16:6 20:4

Z

Zoom 4:1,6